

**REMARKS**

Claims 1-22 are pending in this application, claims 18-22 having been withdrawn from consideration. By this Amendment, claim 1 is amended. Support for the amendment to claim 1 can be found in the specification as originally filed and in original claim 1. No new matter is added by this amendment.

**I. Claim Rejection Under 35 U.S.C. §102**

The Office Action rejects claims 1, 2, 4, 6-10 and 12-14 under 35 U.S.C. §102(b) over U.S. Patent No. 6,080,519 to Ishiyama et al. Applicants respectfully traverse.

Independent claim 1 sets forth a "resin powder for a dermatologic composition, the resin powder consisting essentially of resin particles having an average volume particle size of 2.0 to 20.0  $\mu\text{m}$ , a shape factor SF1 of 110 to 140 and an average volume particle size distribution GSDv of 1.3 or less." Claims 2, 4, 6-10 and 12-14 depend directly or indirectly from claim 1 and incorporate all of the limitations thereof.

Ishiyama teaches toner compositions comprising a coloring agent and a binder resin, having a volume average particle size of 2 to 9  $\mu\text{m}$ , a shape factor SF1 of 110 to 140 and an average volume particle size distribution GSDv of 1.30 or less. *See* Ishiyama, col. 3, lines 22-36; col. 4, lines 1-12.

In contrast to the resin powder of claim 1, Ishiyama discloses resin fine particles that include colorants. *See* Ishiyama, Abstract; col. 3, lines 22-36; col. 8, lines 16-29; claims 1 and 2. Specifically, Ishiyama teaches aggregating coloring agents and resin to form resin fine particles. *See* Ishiyama, col. 8, lines 16-29; col. 15, line 53 - col. 35, line 41 (Examples and Comparative Examples). However, Ishiyama does not teach resin powders that do not contain colorants, such as a "resin powder consisting essentially of resin particles having an average volume particle size of 2.0 to 20.0  $\mu\text{m}$ , a shape factor SF1 of 110 to 140 and an average volume particle size distribution GSDv of 1.3 or less," as set forth in claim 1. *See*

*generally* Ishiyama. Rather, Ishiyama discloses only resin fine particles including colorants in addition to binder resin.

Because Ishiyama teaches only resin fine particles that include coloring agents, Ishiyama does not teach a "resin powder for a dermatologic composition, the resin powder consisting essentially of resin particles having" the recited properties set forth in independent claim 1.

For at least the reasons set forth above, Applicants respectfully submit that independent claim 1 and its dependent claims 2, 4, 6-10 and 12-14 are patentable over Ishiyama. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

## **II. Claim Rejections Under 35 U.S.C. §103**

The Office Action rejects claims 3, 5, 11 and 15-17 under 35 U.S.C. §103(a) over U.S. Patent No. 6,080,519 to Ishiyama et al., as applied to claims 1, 2, 4, 6-10 and 12-14, further in view of U.S. Patent No. 5,976,750 to Hagi et al. Applicants respectfully traverse.

Claims 3, 5, 11 and 15-17 depend, directly or indirectly, from claim 1, which is set forth above.

As discussed above, Ishiyama does not teach, nor does it suggest, resin powders that do not contain colorants, such as a "resin powder consisting essentially of resin particles having" the properties set forth in claim 1. Hagi does not remedy this deficiency of Ishiyama.

Hagi teaches toner compositions comprising a colorant and a binder resin, which has a volume average particle size of 3 to 7  $\mu\text{m}$  and a shape factor SF1 of 100 to 130. *See* Hagi, col. 3, lines 9-25; col. 4, lines 6-11.

Like Ishiyama, Hagi discloses toner particles that include colorants in addition to the binder resin. *See* Hagi, Abstract; col. 3, lines 9-25; claims 1 and 8. Specifically, Hagi teaches incorporating colorants into binder resin during polymerization to form toner particles. *See*

Hagi, col. 7, line 53 - col. 8, line 11. However, like Ishiyama, Hagi does not teach resin powders that do not contain colorants, such as a "resin powder consisting essentially of resin particles having an average volume particle size of 2.0 to 20.0  $\mu\text{m}$ , a shape factor SF1 of 110 to 140 and an average volume particle size distribution GSDv of 1.3 or less," as set forth in claim 1. *See generally* Hagi. Rather, Hagi discloses only toner particles including resin and colorants.

Because Hagi, like Ishiyama, teaches only particles that include both resin and coloring agents, no combination of Ishiyama and Hagi discloses or suggests a "resin powder for a dermatologic composition, the resin powder consisting essentially of resin particles having" the recited properties set forth in independent claim 1. Thus, no combination of Ishiyama and Hagi would render claims 3, 5, 11 and 15-17, which depend from independent claim 1, obvious.

Further, when resin particles containing colorants are produced, the colorants tend to aggregate and adhere to the surface of the resin particles. These precipitated colorants can become dislodged from the surface of the resin particles during processing, such as cosmetic production, because the colorants and resins are of differing hardnesses. The hardness and shape of the dislodged colorant adversely affects the affinity, spreadability and smoothness of the resin particles and of the finished product, as can be seen from the attached Declaration. *See* Declaration Under 37 C.F.R. §1.132 of Hirotaka Matsuoka. Because colorants are essential to the toner compositions of Ishiyama and Hagi, one of skill in the art would not have been motivated to modify the toner compositions to omit the colorants and produce colorant-free resin powders.

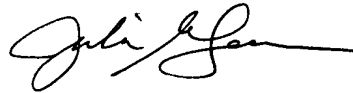
For at least the above reasons, Applicants respectfully submit that independent claim 1 and claims 3, 5, 11 and 15-17 are patentable over Ishiyama and Hagi. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Declaration Under 37 C.F.R. §1.132 of Hirotaka Matsuoka

Date: March 16, 2005

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